HOLLY SPRINGS, MI., FRIDAY, JANUARY 25, 1839.

NO. 2.

or less than six months; nor will gyrs will be inserted at one dollar lines or less) for the first time,

## MESSAGE

TERNOR to the Legislature of oi, delivered January 8, 1839

the Senate, and

u of Representatives: of the past year are well calpropitious to the growth of our and the cost of its production so need by the depreciation of our to leave but scant profits to the fe have, however been blessed rofall Good, with an abundant min and the enjoyment of better usual. Penury is unknown in e elements of our wealth remain rislations has brought upon us miy. For about two years the merchant have alike suffered. estion warrants us in expecting confidence is nearly restored at banks have resumed specie of the residue will be compelled

mency will greatly diminish is production. Industry, pruconomy will soon relieve the disthe country. Experience has uluary lesson; and it is incummy for the past two years.

a example or to close their

eled Constitution has been in shout six years. More liberal the people the periodical election is framers. Our Judicial and officers are fully equal to those different manner. No code of ben enacted to carry out its promany of its injunctions have pried Property qualifications age being the sole pasports to hip having a sufficient number to authorize the employment of The children of the rich and the of tharge. A light tax on the the township, together with the mg from the rent of the school dhe Lherary Fund, already dis-

sufficient to defray provide the means of education. ted and fourteen thousand one of forty-six and twenty-four Ibliars, exclusive of interest and of land. This fund has acby the General Government The notes are, generally, well many of them have been long They are deposited in the and the Auditor of Public entrusted with their collection. Mitor, John H. Mallory, has em-Con of the fund, and it is requisite for our Free Schools. Un- of that odious section.

dition, and for some time past has been clos- vy articles. ed. Eminent Professors have lately been ! elected to take charge of the institution. It The plan adopted will secure equal advanta- scheme, and my best reflections have confirm- ished in the State, and to put down those har- most of the Regiments have been organized; e of cotton has advanced fully measures will, no noubt, be taken to protect tended no farther. The State, with her crethose students from insult; and we may fond- dit, could make all the Rail-roads she re- nings at the gaming table, I recommend to The number of volunteer companies have the most exalted stations in the common- under the control of the Legislature, and of Trustees, which it will be your duty to free use of the people, or the profits paid in- to be collected out of the defendant. A tax be armed and equipped, ready to march, a fill-one of them was occasioned by the death to the State Treasury. of Col. Joseph Sessions, who was long a under the Territorial and State Governments; even of the judges and other public officers,

nificence, is in a prosperous condition.

blessings to posterity.

of those who were then strangers to the soil.

ful operation in Sharon, Columbus, Holly pointed Gen. P. Rutilius R. Pray to "amend Springs, Port Gibson and several other pla- the phraseology of the existing statutes and ces-they are crowded with scholars, and to prune, correct and arrange, alter and afford the means of acquiring a good edu- amend, the provisions thereof, so far as may cation as cheaply as in any other State. Mis- be necessary to render the Code harmonious sissippi College, located at Clinton, in a in itself, and consistent with the provisions healthy region and central situation, accessa- of the Revised Constitution.' In pursuble to a wealthy portion of the State, was ance of that authority, a new code was preonce in a flourishing condition. It has re- pared and submitted to the Legislature two ceived some aid from the State, but of late | years ago. The arrangement of the work has not prospered. I recommend all those is admirable—technical phrases are avoided; there acquire learning sufficient of the legislature. Money expended in the any one able to read could know the Law great cause of education is never lost. Learn- that guarantees to him his rights, his propering aids and sustains the possessor, when ty and his liberty, should the code be adopfortune and friends forsake him.

A geological survey of the State is wor- tions have been made to the proposed Revisthy of your consideration. Our mineral re- ed Statutes, by many who have never read sources are unknown, but it is believed that them or studied their provisions. Some are a great abundance of iron oar can be found. so wedded to black letter books and the un-A demand now exists for rock to construct written or Common Law, as to be unwilling our rail-roads, and but little of it can be had to believe that any improvement can be made with convenience. Investigation would We live in an age which contradicts all such bring to light various rocks and minerals, assumptions. The Civil and Penal Codes which could be turned to a profitable account. of Louisianna have fully answered the de-A topographical survey is also desirable .- sired end, and to advance in the science of sale of thirty-six sections of Means may be discovered to reclaim several coddification, we have only to follow those millions of acres of rich alluvial land now who have advanced before us. Most of the ry in the usual manner. Great looseness representations were made to the Executive subject to annual inundation. By the con- provisions, in Pray's Code, are copied from struction of Levees, opening and straightening statutes in other States, which have already the various Bayous, and clearing off the timber, and exposing the whole surface of the low lands to the action of the sun, a great portion of our swamp lands may be rendered Code, now fills one of our highest judicial

susceptible of cultivation. The eighth section of the seventh article be placed beyond dispute. It has too long of the grant seem to forbid a of the Constitution provides, that "no money been the custom to look for the Law in the and and the best interest of from the Treasury shall be appropriated to opinions of jurists. The Legislative will The the immediate establish- objects of internal improvement, unless a bill expressed, in accordance with the Constitu-Seminary. It should be loca- for that purpose be approved by two-thirds tion, is the only law recognised in a free goabrious and healthy situation, of both branches of the Legislature." It is vernment. The present is a most auspicious is cheap. A sufficient to be lamented that such an anti-republican time for the adoption of an entire new Code realized the present year, provision should have been incorporated in of Laws. Fully one half of our popula-Two hundred our fundamental Law. It denies to the ma- tion have recently emigrated to the State might be retained, and the jority their most sacred rights and puts it in are unacquainted with the existing Laws, pay the Profesor, and other the power of the few to retard the improve- and could sooner become familiar with a

The whole State is intersected with large first Books of the Revised Statutes, it will a large portion of it may be necessary to cut the logs from their beds, the re-printing of the Code of 1822, in orthe drawers of the notes are and the pendant trees on their banks, to make der that those officers now destitute may be whole fund could be safely the Regents of the University. Keel boats; navigation could be had mevery the Regents of the University. party influence should be portion of the State, and no one would have of the existing statutes. There is no securiand the benefits of the in- to haul his products far, in order to obtain ty for life, liberty, or property, deprived as the State. The liminense sums cure his necessary supplies. A bale of cot-The State prison is in rapid progress of completion, and operates injuriously sumations as healthy can own borders as elsewhere, and be as cheaply obtained, and he as cheaply obtained, and a scheaply obtained, and the various rivers and creeks in the existing Code, and the great number of the existing Code, and the great number of the success punishable by death, prevent its ended that the various rivers and creeks in the existing Code, and the great number of the surplus Revenue, was desponded to the various rivers and creeks in the existing Code, and the great number of the surplus Revenue, was desponded to the Executive for a report of the official acts of James and the amount of money found in the safe, belonger to the correspondence herewith transmitted will show my reasons for pursuing that two bundred thousand dollars of the money received of the Agricultural bank. Treasurer had been paid over to his success the was destroy of the existing Code, and the great number of the existing Code, and the great number of the existing Code, and the great number of the surplus revenue to the suspension of the Correspondence herewith transmitted will show my reasons for pursuing that two money found in the safe, belonger to the definition of the money found in the safe of the Agricultural bank. The seventive of the Agricultural bank is the money found in the safe of the Agricultural bank. The seventive of the Agricultural bank is the money found in the safe of the Agricultural bank. The seventiv

pletion are deserving of your favorable is to be hoped that it may yet flourish, and consideration. The Vicksburg and Jackson send forth scholars useful to the State, capa- Rail-road will be completed during the preble of adorning any station, and of emulating sent year, and the Mississippi Rail-road is name it bears. The correspondence here companies have presecuted their several of the present situation of the College. The pressure of the times, have done much.property owned by the institution amounts to The Grand Gulf and Fort Gibson-the St. the sum of two hundred and forty-eight thou- Francisville and Woodville, and the Mississand seven hundred and forty-eight dollars sippi and Alabama Rail-road Companies, ary attainments and unblemished integrity commenced the improvements they are reof the President and Professors chosen to quired to make. Banking seems to be their conduct the College, will seen place it on a entire object and only care. Those compapermanent basis. The charter makes the nies striving to construct the great improve-Governor of the State ex-officio President of ments they have undertaken, deserve your the Board of Trustees. I was present at the aid. No taxes should be imposed upon last, and aided in the selection of the present | er the credit of the State should not be able to inform you that a large majority of Road Banks already has been wholly, and the trustees are decidedly opposed to placing others partially relieved from making roads. with transmitted, will show that it is the deschould not be tolerated. The blending of alogue of offences punishable by statute, and they are required to pay, from some cause of termination of the Board to educate, annual- Banking and Internal Improvement will, in at common Law. ly, five students, at the expense of the institu- the end, prove injurious to the stockholders To prevent, if possible, the lawless of acts tion, and to give tuition to fifty-six others .- and the State. I have never favored the violence which have so long gone unpunges to every county in the State. Suitable ed me in the opinion, that it should be ex- pies who are preying on the community; our citizen soldiers are awakening to the ly hope that some of them may, hereafter, fili quires; the rate of tolls could then be kept your consideration the propriety of giving been more than doubled, and I feel confident wealth. Learning, talents and integrity are when the profits of the work had indemnithe only pasports to office in a free govern- fied the State for the cost of the construcment. Two vacancies exist, in the Board tion, the road might be surrendered to the

The Law, at present, is a sealed book to resident, and filled many high offices, both the great mass of the community; but few, he was a most worthy and estimable citizen, are in possession of all the statutes-comand aided as a member of the Convention plete copies are not to be had-the unwritten in framing the Constitution of the State in Law still governs our Judges in the adjudi-1817. Most of the sages of that Conven- cation of cases. The labor of a great tion have been gathered to their fathers, and many years is required to understand what left the destinies of the country in the hands Laws govern us, and we have to employ counsel at great expense to vindicate ou They left us the rich legacy of a free govern- rights. The Codes of Justinian, of Fredment, and it is our solemn duty to transmit its erick of Prussia, of Napoleon, and of Liv ingston, prove that Law can be written in Oakland College, endowed, by private mu- intelligible language, reduced to a system, capable of being understood by all who Male and female acadamies are in success- read. In the year 1833, the Legislature ap-

ted by the Legislature. Strenuous objecreceived a judicial construction. No difficulty, therefore, could arise in interpreting them-the eminent jurist, who framed the stations-all doubtful questions would soon ment of the country. I respectfully recomnew Code, than the old, for copies of the
mend, that you propose to the people a change
Code of 1822, are not to be had. Should you, in your wisdom, decline acting on the three

interest, cannot safely be entrusted with the Railroads are of great convenience and al- rer preventive of crime, than severity of in relation to the duties of the Auditor, Treaways benefit the cities at their termination, punishment. Having examined with some arer and Assessors and Collectors. No suf-Jefferson College is the oldest institution but all experience proves that they never care the fourth Book of Pray's Revised Stat- frient reason exists why the Auditor's bond trol, was tendered and returned to him. for less than six months; nor will all arrearages of the kind in the State. It is well endowed, can come in competition with steam or keel utes, I cheerfully recommend it to your fa-shuld not contain as heavy a penalty as but has never been in a very flourishing con- boats in the transportation of bulky or hea- vorable consideration: with some slight chan- that of the State Treasurer, and he should, The Railroads now in progress of com- gressions of the depraved, and by ensuring on account of the State or any particular the conviction of the guilty, operate as a sal- fund. A change should be made in relation utary example, and thus defer others from the to the mothod of keeping the accounts in the perpetration of crime. Solitary confinement | Tressurer's office-moneys paid into the at hard labor, would have a more powerful Tressury on account of the Literary, Three the fame of the illustrious Statesman whose advancing rapidly to completion. These effect, in preventing crime than any other per cent, and Seminary Funds, is liable to mode of punishment. The revisor has wise- be trawn out for the ordinary expenses of with submitted, will place you in possession works in good faith, and considering the ly recommended, that Murder; and Arson in Government—those funds should not be dithe first degree, and Treason, alone, should verted from their legitimate object. I invoke be capitally punished, and that executions your particular attention to the laws in relashould take place in the Prison or Prison tion to the appointment and duties of Assessand seven hundred and forty-eight dollars and thirty-nine cents. A sufficient amount is available to place it in a situation to be eminently useful to the State. The high literary attemperate and unblowished interval and address of Assessing and Collectors—the vole system needs and thirty-nine cents. A sufficient amount little vigor, and the various other Rail-road in the presence of certain officers.—

The horrid spectacle of an execution effects no good; on the contrary, it usually excites the sympathy of the beholders, and in their dollars and duties of Assessing and Collectors—the vole system needs and contrary in the presence of certain officers.—

The horrid spectacle of an execution effects no good; on the contrary, it usually excites the sympathy of the beholders, and in their dollars and duties of Assessing and Collectors—the vole system needs and contrary in the presence of certain officers.—

The horrid spectacle of an execution effects no good; on the contrary, it usually excites the sympathy of the beholders, and in their dollars and contrary and the presence of certain officers.—

The horrid spectacle of an execution effects no good; on the contrary, it usually excites the sympathy of the beholders, and in their dollars and duties of Assessing and Collectors—the vole system needs and contract the presence of certain officers.—

The horrid spectacle of an execution effects no good; on the contrary, it usually excites the sympathy of the beholders, and in their dollars of Assessing and Collectors—the vole system needs and contract the presence of certain officers.—

The horrid spectacle of an execution effects are insufficient, and the presence of certain officers.—

The horrid spectacle of an execution effects are insufficient, and the presence of certain officers.—

The horrid spectacle of an execution effects are insufficient, and the presence of certain officers.—

The horrid spectacle of an execution effects are insufficient, and the presence of certain officers.—

The horrid spectacle of an e eyes, the felon becomes a martyr. If a systies particularly, should be severed, and septem of Criminal Jusisprudence was so gradu- arate bonds given for assessing and for col ated, as clearly to mark out the various de- lecting taxes. When both offices are united grees of crime and affix the appropriate pun- in one individual, a failure to return the asishment, convictions would become almost sessment roll renders it difficult to hold the certain, and the majesty of the Law be vin- collector responsible for failing to pay the meeting of the Beard on the 27th of October them, and it deserves consideration, wheth- dicated-the Code proposes all these objects, taxes he may collect into the State Treasuand, in addition, it defines, with great preci- ry. faculty. It affords me great pleasure to be brought to their relief. One of the Rail sion, every species of crime-designates the manner of arresting the accused and proceeding in the trial. It is unjust to punish those the institution under sectarian influence; and This policy is clearly wrong. Making who cannot readily ascertain what is prohiball of them are resolved to diffuse the benefits | public improvements has always been the ited. Under the existing system, it requires of the institution, as far as practicable, to eve- pretence for obtaining such charters, and in a learned lawyer, after consulting an imry portion of the State. The circular here- strict justice, exemptions from the burthen mense mass of books, to find out the long cat-

> compensation, in the shape of tax fees, to the that by the close of the present year I will District Attorneys. A certain sum should be enabled to have every regiment organized be taxed in the bill of costs, commensurate and officered; in addition, it is expected that with the difficulty of procuring a conviction forty volunteer companies will by that time, fee of one hundred dollars, for each convic- short notice, to whatever point danger may tion, would soon drive the Faro Dealers threaten. I commend these companies to from the purloins of the Capitol, and from the special consideration of the Legislature; the towns and villages which they have been | composed as they are, of young and chival so long robbing. No additional burthen rous gentlemen, ready to face any foe and would be thrown on the State, for the tax brave any danger, the country may coufifees, now collected, seldom reach the State dently rely on them for protection. The Treasury. Further legislation is requisite appointment of an Inspector General is rein relation to the criminal court. The Dis- commended, whose duty it should be, at least trict Attorney of the first judicial district is once in every year, to drill the officers of required to attend the sessions of the crimi- each regiment. To obtain a competent officer, nal court, in four counties, in addition to his a liberal salary will be requisite. Having duties in the circuit court. The terms of the reveiwed a portion of the regiments last fall two courts conflict, and the labors required I can safely say, that the entire organization of that officer are much greater than he can of the militia is not impracticable, and that well perform. In the event of his absence our citizen soldiers are amply able to profrom court he is required to pay the compen. tect their homes against the assaults of any sation allowed the person appointed to fill his foe, foreign or domestic. Three hundred place-a greater compensation should be al- and fifty muskets, belonging to the State, lowed than that now fixed by law, or less la- were wrecked in the barque Ella Hand.-

bor should be required. The Report of the Joint Committee of the of 1837, but in consequence of the protest of Legislature on the books and papers of the the check given in payment for them, they late Auditor, John H. Mallory and the State | were not shipped until July, 1838. Under Funds is herewith transmitted. It appears the act of Congress of 1808, arms are annuthat he is defaulter to the amount of fifty-four ally furnished to the various States of the thousand and seventy-nine dollars and nine- Union. Correct returns of the strength of six-cents-all (except \$230,58,) on account the Militia of this State have been made by of town lots and the three per cent., Semi- the Adjutant General to the proper depart nary and Sinking Funds. The existing ment; and, in future, a sufficient quantity of law gives the Auditor exclusive control of arms will be annually obtained, from the the money arising from the sale of town lots General Government, to furnish ten compaand the three per cent. and Seminary Funds; nies. In several of the counties the regihe is also one of the Commissioners of the ments are too large, and some of the brigade Sinking Fund. It was intended that the could be advantageously divided. The ex-Auditor and Treasurer should be checks on sting militia law is plain and perspicuouseach other; yet, by an oversight, more pow- frequent changes in the system are always er has been vested in the Auditor than, per- injurious, and it would perhaps be well to haps was intended. The trust reposed has give the one now in force a fair trial. Twenbeen sadly abused, and he has been en- ty-five hundred copies of the act to Reguabled, thus long, to conceal his defalcations late the Militia have been printed, and most in consequence of being most unwisely au- of them distributed among the officers.thorised to receive money which should have Books of discipline are needed, and cannot been audited and paid into the State Treasu- readily be obtained. During the last fall, appears to have prevailed in both the that the lives of some four or five individu-Auditor's and Treasurer's office during the als were in great danger-that the Indians years 1836-7. The late Treasurer, C. C. were resolved to retaliate on them for killing Mayson, appears to have been in the habit of one of their tribe-that no organized force receiving money of tax collectors, and oth- in that county existed, to aid the civil officers ers without the production of the Auditor's in preserving the peace and enforcing the receipt warrant, as required by law.

This may exempt the securities, on his Indians should be permitted to take the laws bond; from liability, but it will operate most in their own hands and revenge their supposoppressively on the tax collectors, to be com- ed wrongs, I considered it my duty to take pelled to pay the money again. The reso- precautionary measures, and be prepared lution approved May the 11th, 1837, au- for any contingency. This had the desired thorised "the State Treasurer to receive of effect, and the peace of the country was prethe several tax collectors of this State, served. the notes of all the chartered Bank- The Report of the late State Treasurer, wally paid, at the places designated, and Companies of the State of Mis- J. A. Van Hoesen, E.sq., and of the sissippi, in the payment and discharge of Treasurer, Gen. Silas Brown, as well as the the principle—it is usually much easier to all the warrants issued by the Auditor of Report of the Auditor of Public Accounts borrow and spend money than to provide the Public Accounts upon the Treasurer of the are herewith transmitted. These docu- means of payment. State;" and the act approved May 2d, 1837, ments will convince you that the annual exauthorized him to receive the distributive penditures far exceed the reciepts into the share of the Surplus Revenue of the United State Treasury, and that retrenchment-States, required to be deposited with this improvement in the collection of the revenue State. No authority was given him to receive of the Government of the United States any thing but gold and silver, or the notes of specie paying banks, yet, in defiance of law, species paying banks, yet State. No authority was given him to re- or additional taxation must be resorted to. in such depreciated paper as the Agricultur-belonging to the office. He reported to me having no constitutional scruples. al Bank chose to give him, and deposited a that he counted the money in the iron chest, portion thereof in the Branch of the Com- but that the books of the Treasurer were not

strongest impressions are made. Those opmeans necessary for the acquirement of equal are punished for the sake of the example, ed, I beg to recommend an entire consolidaposed to us in principle, and alienated in advantages to other portions of the State.—
and the certainty of conviction is a much sution, revision, and amendment of all the laws ges it would secure society against the ag- in no case, be authorized to receive money

> It is deserving of your serious consideration, whether the embezzlement of the public money should not be made felony, and punishable by imprisonment in the state prison. The law prescribing the duties of Auttioneers requires amendment-they interfers with the regular merchant, and the taxes

other, fail to reach the State Treasury. The Report of the Adjutant General is herewith submitted-during the last year

These guns were purchased in the Spring laws. Believing that neither white men or

ted. No direct reply has been received .-An evasive reply, by an individual who I conceived was making an improper use of The amount, retained for a period of more than three months, was fifteen or twenty thousand dollars, a portion of which was paid over to the Treasurer last month. He reports to me that he cannot ascertain the true situation of the late Treasurer's book. An investigation of the whole matter will enable you to ascertain the exact situation of all the accounts of the deceased Treasurer. Additional legislation may be found necessary-it would be proper to require all the papers, effects and money in the Treasurer's office to be sealed up at the decease of the incumbent, and to be delivered over to his successor as soon as appointed. Suitable penalties may be found necessary to prevent an improper use of the State funds in such

All the lots in the city of Jackson, belonging to the State, have been sold those excepted, reserved for public purposes and for the health, ornament and convenience of the city. The late sales amounted to the sum of one hundred and seventy-eight thou-sand nine hundred and one dollars, payable in one, two, and three years. This sum, if it could be made available, would be sufficient to finish the State House and improve the adjacent grounds.

Large appropriations will be required to finish the Penitentiary-provide tools for the convicts, materials to keep them profitably employed, and pay for the superintendants. With a sound currency the price of labor and materials will be greatly diminish-

In pursuance of the authority vested in the Executive, by Law, I transferred to the Mississippi Union Bank twenty-five thousand one hundred and six dollars and fiftytwo cents of the notes, payable in one year. taken in payments of Lots sold in the city of Jackson, in November, 1838. The nett proceeds of said notes, amounting to the sum of twenty-three thonsand four hundred and seventy-three dollars and eighteen cents, has been paid over to the Treasurer. The account of sales of the lots sold on the 21st and 22nd of November 1838, is herewith transmitted. It will show that they brought a fair price; that the sale could not have taken plece at a more favorable period. The lien reserved upon them all, together with the personal security, will ensure the payment of the purchase money.

The Capitol, although not finished, is so far advanced as to afford accommodation to the Legislature, and the various public officers. The building has progressed very slowly the past year, and it is believed that the expenditures have been unusually ext. vagant. A rigid scrutiny into all the contracts and accounts of the officers, charged with the erection of the States House and Penitentiary, is necessary. It will enable you to ascertain what further Legislation may be required, in order to ensure the speedy completion of the Public Buildings, on reasonable terms.

The Resolution in relation to the Revenue of the State, approved may 10th, 1837, will engage your early attention-the reasons for its passage have in a great measure censed, and the paper of those banks that here failed to resume cannot, any longer, be taken with safty. Should the resolution continuo in force, the paper of worthless banks, alone, will be paid into the Treasury, by the Tax collectors, and it cannot be used in payment of the charges on the Treasury. I suggest the propriety of authorising the institution of suits on all the notes in the Treasury, on Banks which do not redeem their issues in specie. If the salaries of the public officers are considered to be too high, they should be reduced, but it is gross injustice to pay the creditors of the State in funds so much depreciated as the notes of several of our incorporated Banks

The State debt now amounts to the sum of \$382,335 30, deposited by the General Government, and which is liable, at any time, to be recalled-two millions of dollars in six per cent, bonds, sold by the State to pay for stock to that amount in the Planters' Bank, and five millions of dollars in five per cent bonds, sold to take stockto that amount in the Mississippi Union Bank, amounting in all to the sum of seven million three hundred and eighty-two thousand three hundred and thirty-five dollars and thirty-cents—and the anual interest on that sum (most of it payable in Europe) amounts to the sum of three hundred and seventy thousand dollars. To preserve the honor of the State unsullied. and her credit unimpaired, it is of the last importance that the interest should be punctample funds provided for the redemption of

My recorded votes on the Journals of the Senate, are well as my speeches, during the canvass proceeding my election to the office I now occupy, show that I never was

Soon after the managers were elected, I was called on to pay two and a half per cent, on the State's subscription of five million of dollars in cash. This I declined doing—